



February 9, 2005

## HOUSE BILL No. 1289

DIGEST OF HB 1289 (Updated February 3, 2005 2:12 pm - DI 96)

**Citations Affected:** IC 22-15.

**Synopsis:** Safety code exemption for hydraulic elevators. Exempts certain hydraulic elevators from the elevator safety code.

**Effective:** Upon passage.

**Thomas, Grubb**

January 11, 2005, read first time and referred to Committee on Employment and Labor.  
February 8, 2005, amended, reported — Do Pass.

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HB 1289—LS 6087/DI 87+



February 9, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1289

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 22-15-5-1.6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 1.6. (a) This section applies to a regulated**  
4 **lifting device that is an elevator under IC 22-12-1-22(a)(1)(A).**

5       **(b) Notwithstanding IC 22-13-2-2, Rule 8.6.5.8 of the Safety**  
6 **Code for Elevators and Escalators as specified by ASME**  
7 **A17.1-2000 or any subsequent adoption of a later edition of the**  
8 **Safety Code for Elevators and Escalators adopted by the**  
9 **commission as required by IC 22-13-2-2(d), incorporated by**  
10 **reference in 675 IAC 21-3-1 and amended by 675 IAC 21-3-2, does**  
11 **not apply to a hydraulic elevator that was installed before January**  
12 **2, 2003, in which the hydraulic cylinder shaft travels less than**  
13 **thirty (30) feet, if the hydraulic elevator is:**

14       **(1) modified to meet compliance with Rule 8.6.5.8 of the**  
15 **Safety Code for Elevators and Escalators as specified by**  
16 **ASME A17.1-2000;**

17       **(2) modified through the installation of a plunger gripper in**

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1 compliance with section 3.17.3 of ASME A17.1-2004 and,  
 2 after installation, the plunger gripper is inspected and  
 3 maintained in accordance with the requirements of ASME  
 4 A17.1-2004; or

5 (3) maintained, monitored, and inspected at least once every  
 6 two (2) months by an elevator mechanic to ensure that the  
 7 proper level of hydraulic fluid remains to keep the elevator in  
 8 proper operating order.

9 SECTION 2. IC 22-15-5-6 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The  
 11 following definitions apply to sections 1.6 and 7 through 16 of this  
 12 chapter:

13 (1) "Competency examination" means an examination that  
 14 thoroughly tests the scope of the knowledge and skill of the  
 15 applicant for the license.

16 (2) "Educational institution" has the meaning set forth in  
 17 IC 20-12-0.5-1.

18 (3) "Elevator apprentice" means an individual who works under  
 19 the direct supervision of a licensed elevator mechanic. The term  
 20 includes an individual commonly known as an elevator helper  
 21 while working under the direct supervision of a licensed elevator  
 22 mechanic.

23 (4) "Elevator contractor" means a person who alone or with other  
 24 persons, constructs, repairs, alters, remodels, adds to, subtracts  
 25 from, or improves a regulated lifting device and who is  
 26 responsible for substantially all the regulated lifting devices  
 27 within the entire project, or who fabricates elevator lifting devices  
 28 substantially completed and ready for installation.

29 (5) "Elevator inspector" means an individual who conducts the  
 30 acceptance inspection of a regulated lifting device required by  
 31 section 4(c)(1)(A) of this chapter.

32 (6) "Elevator mechanic" means an individual who engages in the  
 33 construction, reconstruction, alteration, maintenance, mechanical,  
 34 or electrical work or adjustments of a regulated lifting device.

35 (7) "License" means a certificate issued by the department that  
 36 confers upon the holder the privilege to act as an elevator  
 37 contractor, elevator inspector, or elevator mechanic.

38 (8) "Licensing program" means the program for licensing elevator  
 39 contractors, elevator inspectors, and elevator mechanics  
 40 established under this section and sections 7 through 16 of this  
 41 chapter.

42 (9) "Municipality" has the meaning set forth in IC 36-1-2-11.

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- 1 (10) "Person" means:  
 2 (A) a natural person;  
 3 (B) the partners or members of a partnership or a limited  
 4 partnership;  
 5 (C) an educational institution; or  
 6 (D) a corporation or the officers, directors, and employees of  
 7 the corporation.  
 8 (11) "Practitioner" means a person that holds:  
 9 (A) an unlimited license;  
 10 (B) a limited or probationary license;  
 11 (C) a temporary license;  
 12 (D) an emergency license; or  
 13 (E) an inactive license.  
 14 (b) The commission and the department shall establish a program  
 15 to license elevator contractors, elevator mechanics, and elevator  
 16 inspectors.  
 17 (c) The department shall issue a license as an elevator contractor, an  
 18 elevator mechanic, or an elevator inspector to a person who qualifies  
 19 and complies with the provisions of the licensing program. A person  
 20 who receives a license under this chapter is subject to the supervision  
 21 and control of the department.  
 22 (d) The department may contract with public and private  
 23 institutions, agencies, businesses, and organizations to implement all  
 24 or part of its duties established under this chapter.  
 25 (e) The commission may adopt rules under IC 4-22-2 to implement  
 26 the licensing program.  
 27 **SECTION 3. An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1289, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "adopted by ASME" and insert "**specified by ASME A17.1-2000 or any subsequent adoption of a later edition of the Safety Code for Elevators and Escalators adopted by the commission as required by IC 22-13-2-2(d), incorporated by reference in 675 IAC 21-3-1 and amended by 675 IAC 21-3-2, does not apply to a hydraulic elevator that was installed before January 2, 2003, in which the hydraulic cylinder shaft travels less than thirty (30) feet, if the hydraulic elevator is:**

- (1) modified to meet compliance with Rule 8.6.5.8 of the Safety Code for Elevators and Escalators as specified by ASME A17.1-2000;**
- (2) modified through the installation of a plunger gripper in compliance with section 3.17.3 of ASME A17.1-2004 and, after installation, the plunger gripper is inspected and maintained in accordance with the requirements of ASME A17.1-2004; or**
- (3) maintained, monitored, and inspected at least once every two (2) months by an elevator mechanic to ensure that the proper level of hydraulic fluid remains to keep the elevator in proper operating order.**

SECTION 2. IC 22-15-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The following definitions apply to sections **1.6 and** 7 through 16 of this chapter:

- (1) "Competency examination" means an examination that thoroughly tests the scope of the knowledge and skill of the applicant for the license.
- (2) "Educational institution" has the meaning set forth in IC 20-12-0.5-1.
- (3) "Elevator apprentice" means an individual who works under the direct supervision of a licensed elevator mechanic. The term includes an individual commonly known as an elevator helper while working under the direct supervision of a licensed elevator mechanic.
- (4) "Elevator contractor" means a person who alone or with other persons, constructs, repairs, alters, remodels, adds to, subtracts from, or improves a regulated lifting device and who is

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responsible for substantially all the regulated lifting devices within the entire project, or who fabricates elevator lifting devices substantially completed and ready for installation.

(5) "Elevator inspector" means an individual who conducts the acceptance inspection of a regulated lifting device required by section 4(c)(1)(A) of this chapter.

(6) "Elevator mechanic" means an individual who engages in the construction, reconstruction, alteration, maintenance, mechanical, or electrical work or adjustments of a regulated lifting device.

(7) "License" means a certificate issued by the department that confers upon the holder the privilege to act as an elevator contractor, elevator inspector, or elevator mechanic.

(8) "Licensing program" means the program for licensing elevator contractors, elevator inspectors, and elevator mechanics established under this section and sections 7 through 16 of this chapter.

(9) "Municipality" has the meaning set forth in IC 36-1-2-11.

(10) "Person" means:

(A) a natural person;

(B) the partners or members of a partnership or a limited partnership;

(C) an educational institution; or

(D) a corporation or the officers, directors, and employees of the corporation.

(11) "Practitioner" means a person that holds:

(A) an unlimited license;

(B) a limited or probationary license;

(C) a temporary license;

(D) an emergency license; or

(E) an inactive license.

(b) The commission and the department shall establish a program to license elevator contractors, elevator mechanics, and elevator inspectors.

(c) The department shall issue a license as an elevator contractor, an elevator mechanic, or an elevator inspector to a person who qualifies and complies with the provisions of the licensing program. A person who receives a license under this chapter is subject to the supervision and control of the department.

(d) The department may contract with public and private institutions, agencies, businesses, and organizations to implement all or part of its duties established under this chapter.

(e) The commission may adopt rules under IC 4-22-2 to implement

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the licensing program."

Page 1, delete lines 7 through 12.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1289 as introduced.)

TORR, Chair

Committee Vote: yeas 7, nays 3.

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